

DEFENDANTS' STATUS REPORT

In accordance with the Court's August 16, 2021, Order, ECF No. 33, Defendants respectfully submit this status report.

1. In this action, Plaintiff Leisl Carpenter challenges Section 1005 of the American Rescue Plan Act of 2021 (ARPA). Because Plaintiff is a member of the classes certified by the District Court for the Northern District of Texas in *Miller v. Vilsack*, 4:21-cv-595 (N.D. Tex.), which similarly challenge the same statutory provision, Defendants moved for, and the Court granted, a stay of this action pending the outcome of the *Miller* litigation. *See* ECF No. 33 (Aug. 16, 2021).
2. The *Miller* class litigation remains ongoing, with summary judgment briefing to be completed by August 22, 2022.
3. Because the *Miller* case is still pending, and Plaintiff remains a member of the classes certified in that case, the presumption against duplicative litigation and the interests of judicial efficiency weigh in favor of continuing the stay.
4. On Tuesday, August 16, 2022, the President signed into law the Inflation Reduction Act of 2022. <https://www.congress.gov/117/bills/hr5376/BILLS-117hr5376enr.pdf>. Section 22008 of the Act expressly repeals Section 1005 of ARPA and thus moots this case. If Plaintiff does not dismiss her case as moot by August 30, 2022, then Defendants propose to file another status report proposing next steps in the case by September 6, 2022.

Dated: August 16, 2022

Respectfully submitted,

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